

second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 107, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing body of each respective incorporated city and town to make such levy by ordinance, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HEAD, Chairman.

Committee Room,
Austin, Texas, Feb. 25, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 215, A bill to be entitled "An Act to amend Section 2, Chapter 33, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, approved March 16th, 1935, creating a Governmental Agency known as the Texas Planning Board; providing that said Board shall consist of nine (9) members, three (3) of whom shall be the State Highway Engineer, the chairman of the Board of Water Engineers and the Secretary of State, respectively, of the State of Texas, and six (6) of whom shall be appointed by the Governor; providing that present members of said Board, appointed under the provisions of Section 2, Chapter 33, Acts of the Regular Session of the Forty-fourth Legislature shall continue in office for the respective terms for which they were appointed; providing for the appointment and fixing the terms of

members of the Board appointed at the expiration of the terms of the present members of the Board; providing that one (1) member of said Board be experienced in agriculture, one (1) to represent labor, and one (1) familiar with reforestation; providing that any State officer or employee is eligible for membership on said Board; providing for the designation of the chairman of said Board; providing for the qualification of the members of said Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments Nos. 1 and 2, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 1, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 175, 302, 351, 57, 333, 200, 330 and 261 carefully examined and compared and find same correctly engrossed.

ROBERTS Chairman.

Committee Room,
Austin, Texas, March 2, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 37 and S. C. R. No. 38 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 25, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bill, have had S. B. No. 374 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

THIRTIETH DAY.

(Monday, March 1, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Burns.	Shivers.
Davis.	Small.
ONeal.	Spears.

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, February 26, 1937, was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Oneal was granted leave of absence for today, on account of important business, on motion of Senator Hill.

Senator Small was granted leave of absence for today, on account of illness, on motion of Senator Moore.

Senators Spears, Shivers, Burns and Davis were granted leaves of absence for today, on account of important business, on motion of Senator Sulak.

Reports of Standing Committees.

Reports on Senate Bills Nos. 333, 351, and 12 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Message From the Governor.

A secretary from the Governor was recognized to present a message from the Governor, which was read to the Senate, as follows:

Austin, Texas, March 1, 1937.
To the Members of the Forty-fifth Legislature:
There is pending before the House

of Representatives H. S. R. No. 111. This resolution, as amended in committee, has been favorably reported and in all likelihood will shortly be up for passage.

I particularly direct your attention to the concluding language of this resolution, wherein it is resolved "that it is the intent and purpose of the House to adopt as speedily as may be possible. . . a genuinely liberal Old Age Assistance Act, and that until such a measure is adopted by both Houses of the present Legislature and signed by the Governor, this House will decline to pass any measure providing revenue for purposes other than Old Age Assistance."

I do not believe this is the attitude of a majority of the membership of this House; but, whether the sentiment, majority or minority, I want to reason with any of you who may be considering a vote on this resolution. I recognize that it might pass and merely express the temporary mood or attitude of those who voted for it; but it might conceivably encourage a breach between us and result in a fruitless Regular Session of the Forty-fifth Legislature. Of course, this is exactly what lobbyists and representatives of the privileged interests would like to bring about. It is to prevent such a situation that I come to talk with you in person this morning.

This resolution recites that the Governor as "made known his opposition to liberalization of the present Old Age Assistance Act, going so far as to say that he would veto a liberalization measure if one should be passed."

This language does not do justice to my position on the question as set out in my message of January 13th, but is the shorthand rendition of the authors of the resolution. I quote to you from that message, in part, as follows:

"The last Called Session of the Forty-fourth Legislature recognized this and amended the prior law by enactment of the present statute authorizing State assistance to the needy only. This law has been in effect less than three months. Under capable direction the problem is being dealt with intelligently and

as rapidly as possible. Of course, administration of the law may not be without its defects, but we have entered upon a program in which there is little experience to guide us. We must make that experience and benefit from it.

"In view of statements carried in the public press as to efforts which may be made to liberalize the Old Age Assistance Law, I feel you are entitled to my views. I tell you, therefore, candidly that I will not approve any bill liberalizing or extending benefits to those who are not in need until the present law has had a just and fair trial. Each of you are, of course, entitled to your own opinion, but I make this statement in the hope that our time may be devoted to other more pressing problems.

Now, my friends of the Legislature, in giving you my views and attitude in advance I was trying to be perfectly frank and honest with you "in the hope that our time might be devoted to more pressing problems." I accorded you the right to a contrary opinion. If you have that contrary opinion, then the Constitution provides a clear-cut remedy. If you believe in providing pensions for every person over 65 years of age, irrespective of need, you can vote your convictions. If a majority of this House favors such a measure, it can then be passed to the Senate; and if a majority of the Senate likewise favors such a liberal policy, the bill will then come to my desk; and I shall stand upon my message and veto same.

Now, if you are right about it, the bill will then come back to you; and if you can pass it over my veto, you have a perfect right to do so; but, to adopt the attitude called for in this resolution by refusing to vote for any other taxes until "a genuinely liberal Old Age Assistance Act is adopted by both Houses of the present Legislature and signed by the Governor" cannot possibly accomplish any worth while ends. It will injure you and, worse, the people of Texas, more than it will the Governor.

To pass this resolution would be playing into the hands of the lobby. I am sure the authors have no such intention, but the "Third House" will

indeed be well pleased if this resolution passes. They know that a sizable bloc, at least in the Lower House, is in favor of a very liberal Old Age Assistance Law. They know that the Governor has said that at the present time he will veto such a bill. They know that if they can get you into the "sit-down strike" frame of mind called for in the resolution, even though it should fail of passage, their troubles are over.

Naturally, the interests represented by the "Third House" don't want to be taxed for any purpose. Some of them, such as natural resources, are the very ones whom the authors of this resolution want to tax. Their troubles are over, and no tax bills will be passed if they can fan the flames of resentment or stubbornness either on your part or mine. Even if it fails, all tax bills are dead if the resolution represents the attitude of a substantial part of the membership of the Legislature.

Now, let me show you just what position you would be in if you voted for this resolution:

If you vote for this resolution, you will be saying that, while you have a perfect chance to make your record clear for liberal Old Age Assistance by voting for a bill, yet you are going to put every other concern and interest of the State secondary to the interests of those over 65 who can vote without a poll tax; and you are going to place the wishes of this articulate voting group, (over a hundred thousand of whom are already receiving more consideration than in most of the states of the Union and better treatment than in any other Southern state), first and foremost, to the extent that the other branch of the Legislature and the Governor must sacrifice their views before you will discharge your patriotic duty to provide revenues for other functions of the government; and that, to accomplish this purpose, as stated in the public press, you propose to call a "sit-down strike"; and if your attitude isn't adopted by the Senate and the Governor, then you are going to throw in with the anti-tax interests and pass no revenue legislation whatever:

In other words, such a vote means that you say: unless you have your

way about it, you are not going to ever allow a bill to come on the floor to raise money to pay our debts; to raise money to pay your own salaries, which are now adding to the deficit; to raise money for other features of the Social Security Act and the President's program.

The old folks over 65 years of age are not the only people who are in need in this State! There are several thousand blind people without the means of livelihood! There are between 30,000 and 50,000 dependent children in unemployable homes, suffering from malnutrition and undernourishment! There are 8900 widows in Texas, without employment, but with children to support! There are thousands of other citizens of Texas who are unemployables and, believe it or not, suffering from hunger. They haven't reached the age of 65 and are not therefore eligible for a pension. Of course, the number of these unfortunates altogether doesn't equal the number of people over 65; and, of course, they can't make as much noise and they can't vote because they haven't got the money to pay a poll tax while the old folks vote free!

Don't you see, my friends, where this kind of attitude will put you? You will say by your vote, or by such an attitude that, unless this articulate group of people over 65 who vote without a poll tax are given everything they demand, you are unwilling to vote to raise money to take care of the unfortunate blind, to take care of the unfortunate dependent children, to take care of the widows and orphans; to raise money to carry out the President's program; that you are unwilling to help me raise money to take insane people out of jails and remove present occupants of our insane asylums from deadly fire traps! (Of course, the insane can't vote either!)

Why, my friends of the Lower House, in this State at the present time hundreds of unfortunate poor people not yet 65 are suffering from open tuberculosis. Our State Hospital will only take cases in the early stages, and has a long waiting list. I am reliably informed that every one of these open, active tuberculosis cases causes nine additional tuberculars. Yet, if this resolution is passed—yea, if it even represents the attitude of a substantial group in this House, you won't help me raise

money to remove this menace to the health and well being of all of us unless we first cater and capitulate completely to the demands of an articulate voting group over 65 who still demand more and more, even though we have one of the most liberal, if not the most liberal, old age assistance laws in the nation!

I don't say that the authors of this resolution are in league with the lobbyists or representatives of the big interests. I merely say they are unconsciously falling in line with what the "Third House" always wants to do—block any tax legislation if possible; and if that is not possible, to get us into such a frenzy and such a position that we'll talk sales tax with them. They know, you know, I know that tax measures have to originate in the House, and that if they can just keep a tax bill from coming up in the House until late in the session then it can't possibly get through the Senate and a conference committee in time to reach the Governor's desk.

We have been in session now 49 of the 120 days. Yet no tax bill has been permitted to come up on the floor of this House. Some voted against bringing up such a measure because they are honestly opposed to any additional tax. I have heard other members say they voted against bringing up such a measure because they thought the rates in a particular bill were too high. Of course, if you will just allow any tax measure to come up on the floor, a majority is at perfect liberty to amend and lower the rates.

I have heard other members say that while they favored a particular tax measure, they had voted against bringing it up because it was not provided in the bill that revenues from such a tax would go into the Old Age Assistance Fund. As a matter of fact, you and I know that if you will merely vote to bring up one bill on the floor it is open to amendment; and if it be a majority will, the revenues derived from any such tax may be placed in the Old Age Assistance Fund.

The lobbyists of those interest who don't want to see any tax bills passed use these arguments to prevent a bill from even coming up, where such arguments happen to appeal to a particular member of this Legislature. As a result, we haven't been able to get up a single tax bill—not

even to fully finance the present Old Age Assistance. You will recall, I told you in my initial message that we would have to have \$1,300,000.00 for the remainder of the present fiscal year ending August 31st. Unless this revenue is provided immediately, the Assistance Commission can't finish out the year on the present basis.

My friends of the Legislature, this battle against injustice, for social betterment, against greed, for humanity, is nothing new. Long, long ago, one of the greatest advocates of justice and of humanity, Amos of old, cried out against just the situation which prevails today.

"Hear this, O ye who swallow up the needy, even to make the poor of the land to fail," he said. "When will the new moon be gone that we may sell corn? and the sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit?"

"That we may buy the poor for silver, and the needy for a pair of shoes; yea, and sell the refuse of the wheat?"

"Shall not the land tremble for this, and every one mourn that dwelleth therein?"

Members of the Forty-fifth Legislature, it is perhaps commendable to advocate pensions for everybody over 65, but it is not patriotic to say, in effect, that until this is done we will not permit revenues to be provided for other worth while functions of government. If you want to vote for more liberal old age assistance, then do so and make your record clear, but I earnestly and respectfully urge you not to adopt the "sit-down strike" attitude. I beseech you to join with me in furnishing funds for other features of the Social Security program, to provide for the blind, for dependent children, for unfortunate widows, for the insane, for the sick, for the lame, the halt.

I urge you to vote to permit tax measures to come up on the floor of this House, that they may be amended, if possible, to meet your views, but that, in any event, revenue measures be passed from out this House to the Senate for action and for the final approval or veto of the Governor. Let's not let our hard work thus far in the session go for naught. Let's make this labor worth while. Let's provide for all the needs of Texas rather than sacrifice

an entire program to minister to the needs of only a portion of our people.

I have talked plainly with you. In my judgment the occasion demands plain, straightforward talk; and, above and beyond all, that you and I should work together for Texas.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Senate Concurrent Resolution No. 39.

Senator Collie offered the following resolution:

S. C. R. No. 39 (by Senators Small and Collie), Authorizing certain moneys to be transferred from the Permanent School Fund to the Available School Fund.

The resolution was read and was referred by the President Pro Tempore to the Committee on Public Lands and Land Office.

Senate Concurrent Resolution No. 40.

Senator Holbrook offered the following resolution:

Whereas, the Hon. Tom Connally, Junior United States Senator of Texas, will be in Austin on Tuesday, March 2nd; and

Whereas, Due to the fact that Congress is in session and there are many problems of national import pressing for solution; and

Whereas, Our Junior United States Senator is in the front line in the matter of solving the great problems which confront the people of the Nation today; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Senator Connally be invited to address a joint session of the House and Senate, to be held in the House on Tuesday evening at eight o'clock, March 2nd, 1937.

NEWTON,
HOLBROOK.

On motion of Senator Holbrook and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Senate Resolution No. 39.

Senator Winfield offered the following resolution:

Whereas, Hon. Ewing Thomason, Member of Congress, from El Paso,

is in the building today; therefore, be it

Resolved, That he be invited to address the Senate and be granted the privilege of the floor for the day.

The resolution was read and was adopted.

Accordingly, the President Pro Tempore appointed Senators Neal, Winfield and Brownlee to escort Hon. R. E. Thomason to the President's stand.

The President Pro Tempore presented Senator Winfield, who introduced Hon. R. E. Thomason to the Senate.

Mr. Thomason then addressed the Senate briefly.

Senate Joint Resolution No. 13 on Second Reading.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 13, Proposing an amendment to Article 16, Section 56, of the Constitution of the State of Texas, providing that the Legislature is authorized to appropriate not to exceed the sum of One Million (\$1,000,000.00) Dollars, per year for a period of five (5) successive years and commencing at any time within two (2) years after adoption hereof, for the purpose of bringing tourists, immigrants and industries into this State; providing that at the expiration of such period the Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration, or for any purpose of bringing immigrants to this State; providing for submission of the same to be qualified voters of the State; providing for the necessary proclamation and making an appropriation to defray the expense of the proclamation, publication, and election.

The resolution was read second time.

On motion of Senator Brownlee, the resolution was laid on table subject to call.

Senate Joint Resolution No. 12 on Second Reading.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 12, Proposing an amendment to the Constitution of

the State of Texas by the adoption of a new section to be known as Section 67, which shall prohibit the levy, assessment and collection of State ad valorem taxes on real estate in Texas except for the purpose of paying Confederate pensions as now authorized by the Constitution of Texas; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

The resolution was read second time.

On motion of Senator Holbrook, the resolution was laid on table subject to call.

Senate Joint Resolution No. 4 on Second Reading.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 4, Proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding a new section to be known as Section 3-a, providing how interlocutory injunctions, sustaining or restraining enforcement, operation or execution of any statute of this State or of the United States, based upon the ground of the unconstitutionality of such statute, may be issued; and providing for appeal from order issuing or refusing to issue such interlocutory injunction; and providing that temporary restraining orders in such cases may be granted under the rules and regulations prescribed by the Supreme Court; and providing for appeal to the Supreme Court of the order granting or denying such interlocutory injunction; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The resolution was read second time.

On motion of Senator Woodruff, the resolution was laid on table subject to call.

Senate Bill No. 333 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading on passage to engrossment:

S. B. No. 333, A bill to be entitled "An Act creating a Special Road Law for Wise County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of December 17, 1936, by the issuance of funding bonds, and setting forth the method of operation; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

On motion of Senator Woodruff and by unanimous consent, the Senate rule requiring a committee report to lie over one day before consideration of the bill reported was suspended, to permit consideration of the bill at this time.

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 333 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 333 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 333 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Concurrent Resolutions Nos. 37 and 38.

The President Pro Tempore laid before the Senate, for consideration at this time, the following resolutions:

S. C. R. No. 37, Granting permission to continue the suit already brought by W. F. Sewell and wife and J. C. Lewis against the State of Texas and the State Highway Commission of Texas, by making them parties defendant in the suit now pending in the District Court of Navarro County, Texas.

S. C. R. No. 38, Granting permission to continue the suit already brought by E. A. Elliot and wife against the State of Texas and the State Highway Commission of Texas by making them parties defendant in the suit now pending in the District Court of Navarro County, Texas.

The resolutions were read and were adopted severally.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 1. The following are conferees on the part of the House with instructions to keep the salaries authorized in the bill at the figures set by the House:

Messrs. Alexander, McKinney, Baker, Thornberry, and Knetsch.

The House has adopted the conference report on S. B. No. 72 by a vote of 116 yeas, 2 nays.

The House suspended rules by which H. B. No. 277 failed of engrossment. H. B. No. 277 engrossed by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 200 on Second Reading.

Senator Hill moved that Senate Rule No. 106, relating to the consideration and passage of bills during the first 60 days of the Regular Session be suspended, to permit consideration by the Senate at this time of S. B. No. 200.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 200, A bill to be entitled "An Act providing for the installation of signal units on State high-

ways outside of incorporated cities and towns, regulating the crossing of such highways at places where such units are installed by vehicles and pedestrians, fixing a penalty and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 200 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 200 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 200 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bill No. 57 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 57, A bill to be entitled "An Act providing for rural school supervisors in certain counties; prescribing how and for what length of term said supervisor shall be elected; prescribing the duties of said supervisors; prescribing the qualifications of said supervisors; prescribing the salaries of such supervisors; and prescribing other things incidental to said purpose, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 57 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 57 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bill No. 193 on Second Reading.

Senator Winfield moved that the rule relating to the consideration of bills during the first 60 days of the Regular Session be suspended, to permit the consideration by the Senate at this time of S. B. No. 193.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 193, A bill to be entitled "An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways to amend their charters so as to include as an additional purpose of the corporations the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, under such reasonable regulations and requirements as to rates and service and as to franchises or permits as may be legally imposed from time to time by such cities and towns within the limits thereof, and by the commissioners' court of counties as to operations outside of the limits of such cities and towns, and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend S. B. No. 193 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. That private corporations heretofore incorporated for the purpose of operating street or interurban railways, which have abandoned such operations, may amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits hereof and by the commissioners' courts of counties as now prescribed by Article 6548.

Sec. 2. If the boundary of one city or town is contiguous with the

boundary or boundaries of another city or town, or other cities or towns, the authority granted under Section 1 hereof to operate within five miles thereof shall be construed to include any territory within five miles of the limits of any such contiguous city or town.

Sec. 3. The fact that the operation of street railways has been abandoned either in whole or in part by street and interurban railway companies, and on account of it being desirable that the public be furnished with some character of street transportation by motor vehicle or motor bus by companies heretofore engaged in the street transportation business creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend S. B. No. 193 by striking out all above the enacting clause and substitute in lieu thereof the following:

An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways which have abandoned such operations, to amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and by the commissioners' courts of counties as to operations outside of the limits of such cities and towns, and declaring an emergency.

The amendment was adopted.

S. B. No. 193 was passed to engrossment.

Senate Bill No. 193 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Head.	Roberts.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—1.

Westerfeld.

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 193 before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Moore, the bill was laid on the table subject to call.

Senate Bill No. 351 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 351, A bill to be entitled "An Act creating a Special Road Law for Montague County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$11,500.00 and designated scrip warrants in an amount not exceeding \$38,500.00 outstanding against its Road and Bridge Fund as of February 15, 1937, by the issu-

ance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; providing that the general laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

On motion of Senator Woodruff and by unanimous consent, the Senate rule requiring a committee report on a bill to lie over one day before consideration of the bill reported, was suspended, to permit consideration of the bill as this time.

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 351 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 351 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 351 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Bills and Resolutions Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolutions and bills:

H. C. R. No. 3, Authorizing F. L. Ehrig to sue the State.

H. C. R. No. 9, Authorizing Mrs. Tom Harrell to sue the State.

H. C. R. No. 15, Authorizing Mrs. E. L. Kitchens to sue the State.

H. C. R. No. 18, Authorizing B. C. Brook to sue the State.

H. C. R. No. 16, Authorizing Uvalde Construction Company to sue the State.

H. C. R. No. 19, Authorizing H. Guthrie to sue the State.

H. C. R. No. 30, Authorizing Floyd Arwine to sue the State.

H. C. R. No. 32, Authorizing Mrs. Annie Smith to sue the State.

H. C. R. No. 34, Commending the Inter-Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin.

H. C. R. No. 10, Requesting the Congress of the United States to pass legislation entitling the State of Texas and its political subdivisions to be reimbursed for the loss of taxes due on the Federal Government's reforestation program.

H. B. No. 471, "An Act providing for the annual assessment and collection of a tax on premiums for Workmen's Compensation Insurance policies written by stock companies, mutual companies, etc."

H. B. No. 470, "An Act re-enacting and amending Article 4902, Revised Civil Statutes of 1925, as amended by Chapter 180, Acts of the Regular Session of the Forty-second Legislature, so as to provide for the levying, assessing, and collecting an additional one and one-fourth per cent of the gross fire and/or lightning, and/or tornado, and/or windstorm, and/or hail insurance premiums of all companies, etc."

H. B. No. 358, "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi or from the waters of the Nueces River between La Fruta dam on the Nueces River and the highway bridge over the Nueces River near George West; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 343, "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm, and declaring an emergency."

H. B. No. 33, "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie counties with any device equipped with more than two hooks except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties; providing a penalty for any violation of this Act; repealing all General or Special Laws, in so far as they conflict with this Act, and declaring an emergency."

H. B. No. 238, "An Act making appropriations to defray the costs as-

sessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al, No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency."

H. B. No. 246, "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1, 1940; prescribing a penalty therefor, and declaring an emergency."

Senate Bill No. 302 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 302, A bill to be entitled "An Act creating a Special Road Law for San Patricio County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund prior to May 21, 1931; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of road and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, repealing all laws in conflict, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 302 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 302 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 302 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bill No. 330 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular

order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 330, A bill to be entitled "An Act creating a Special Road Law for Karnes County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 8, 1937, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 330 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 330 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 330 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Holbrook.	Sulak.
Hill.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bills on First Reading.

By unanimous consent of the Senate, the following Senate bills were introduced, read severally first time, and referred by the President Pro Tempore to appropriate committees, as follows:

By Senator Holbrook:

S. B. No. 410, A bill to be entitled "An Act providing for a rural school supervisor in certain counties; prescribing the qualifications and duties of said supervisor; prescribing the method of employing the supervisor; prescribing the salary of said supervisor and how he shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Neal:

S. B. No. 411, A bill to be entitled "An Act to repeal Senate Bill No. 148, Chapter 307, General Laws, Regular Session of the Forty-second Legislature, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Senate Bill No. 412 on First Reading.

Senator Neal moved that the rule limiting the introduction of bills during the Regular Session of the Legislature be suspended, to permit his introduction at this time of a general bill.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The following bill was then introduced, read first time and referred by the President Pro Tempore to the Committee on Educational Affairs:

By Senator Neal:

S. B. No. 412, A bill to be entitled "An Act to be designated as Article 2742f-1, granting county school boards the authority, without the necessity of election or petition, to detach or attach territory in one district to that of another in instances wherein it is impossible or impractical to get the requisite number of qualified trustees in said district making such district so formed valid regardless of size, and declaring an emergency."

Senate Bill No. 238 on Second Reading.

Senator Winfield moved that Senate Rule No. 106, relating to the consideration of bills during the first 60 days of the Regular Session, be suspended, to permit consideration by the Senate of S. B. No. 238 at this time.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 238, A bill to be entitled "An Act to amend Chapter 7 of the Acts of the First Called Session of the Forty-third Legislature, by changing the classification of counties eligible under said Act, by enlarging the duration of the period which county-wide taxes may be levied hereunder, authorizing and validating all actions heretofore taken by commissioners' courts, county officials, counties and school district officials in counties affected hereunder, and authorizing and validating all county-wide school taxes heretofore levied by virtue of said Act, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 238 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Isbell.
Beck.	Lemens.
Brownlee.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Head.	Newton.
Hill.	Pace.
Holbrook.	Rawlings.

Redditt.	Weinert.
Roberts.	Westerfeld.
Stone.	Winfield.
Sulak.	Woodruff.
Van Zandt.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 238 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Messages From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 35, Memorializing the Honorable Tom S. Henderson.

(With amendment.)

The House has, by a vote of 78 yeas and 52 nays, amended by striking out the enacting clause of

H. B. No. 267, "An Act declaring it unlawful to publish or disseminate or cause to be published or disseminated within the State of Texas any advertisement intended to induce the use or consumption of alcoholic

liquors; defining intoxicating liquor; providing a penalty for the violation of this Act; repealing all laws in conflict, and declaring an emergency."

The House has passed H. C. R. No. 44, Relative to the use of the parking space reserved for Members of the Legislature within the Capitol grounds.

The House has passed the following bills:

H. B. No. 47, A bill to be entitled "An Act providing for the repeal of Senate Bill No. 294 and known as Chapter 64 at page 152 of the General Laws of the Regular Session of the Forty-fourth Legislature, wherein it was provided that school trustees in independent school districts having within their boundaries a city with a population of not less than 160,000 or more than 220,000, should be elected for a period of six years and providing among other things for the filling of vacancies and the holding of elections; repealing all laws and parts of laws (general or special) in conflict with that Act, and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 4,600 and not more than 4,650, whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act empowering and authorizing certain cities and towns in the State of Texas to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspected authorities; permitting the fixing of penalties for violating said ordinances; authorizing such cities to acquire, establish, erect, equip, improve, enlarge, repair, operate and maintain motor vehicle testing stations to prescribe and collect a fee for such tests and for the disposition of such fees; authorizing said cities to mortgage or encumber said stations to borrow money and issue warrants to finance

said stations and to pledge said fees and receipts for payment of said indebtedness; providing a saving clause; repealing all conflicting laws, and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1937, to cover the purchase of dip materials, marking paint salaries of inspectors, salaries of county supervisors, salaries of district supervisors, and traveling expenses, and declaring an emergency."

H. B. No. 250, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than thirteen thousand six hundred (13,600) inhabitants, nor more than thirteen thousand seven hundred (13,700) inhabitants, according to the last Federal Census as to population, and providing for the manner of the payment of the salaries and the funds from which said salaries shall be paid; and repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act to add new sections to be known as Sections 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 7, 15 and 17 of Senate Bill No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, which Act relates to the examination of applicants for operator's or chauffeur's license; providing for certain exemptions; providing for the issuance of restricted license; providing for notice of change of address or name; providing for records to be kept by the Department; providing authority of the Department to cancel license, suspend privileges of non-residents and report convictions and to suspend resident's license upon conviction in another State; providing for authority of Department to suspend or revoke license without preliminary hearing and providing for notice to licensee and for hearing upon request; providing for the period of suspension or revocation and the surrender and return of license and badge; prohibiting the

operation of motor vehicle under foreign license during suspension or revocation in this State; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended, or revoked; and making it unlawful to commit certain other act; providing for the State Highway Patrol to act as agent for the Department and conduct examination of applicants; providing for Court to forward license to Department and report convictions and defining conviction; providing for the right of appeal to Courts when license denied or canceled, suspended or revoked by Department except where such cancellation or revocation is mandatory; repealing all laws or parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution No. 35, With House Amendment.

Senator Newton called up S. C. R. No. 35 from the President's table, for consideration of the House amendment to the resolution.

The President laid the resolution before the Senate and the House amendment was read.

On motion of Senator Newton, the Senate concurred in the House amendment.

House Bills on First Reading.

The following bills, received from the House today, were read first time, and referred to the appropriate committees as indicated:

H. B. No. 16, to Committee on State Highways and Motor Traffic.

H. B. No. 47, to Committee on Educational Affairs.

H. B. No. 147, to Committee on State Highways and Motor Traffic.

H. B. No. 353, to Committee on Finance.

H. B. No. 250, to Committee on Counties and County Boundaries.

H. B. No. 123, to Committee on Educational Affairs.

Advance Printing of Senate Bill No. 191.

Senator Collie submitted the following motion in writing:

We move that an advanced printing be had of 250 copies of Senate Bill No. 191.

VAN ZANDT,
AIKIN,
COLLIE.

The motion prevailed.

Senate Bill No. 261 on Second Reading.

Senator Rawlings moved that Senate Rule No. 106, relating to consideration and passage of bills during the first 60 days of the Regular Session of the Legislature be suspended, to permit consideration by the Senate of S. B. No. 261 at this time.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 261, A bill to be entitled "An Act amending Section 14, Chapter 277, Acts of the Regular Session, Forty-second Legislature, 1931, as amended by the Forty-third Legislature, 1933, relating to motor carriers."

The bill was read second time and was passed to engrossment.

Senate Bill No. 261 on Third Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 261 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21.

Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Pace.	

Nays—3.

Aikin.	Holbrook.
Beck.	

Absent.

Lemens.

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The President Pro Tempore laid S. B. No. 261 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—2.

Aikin.	Holbrook.
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Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bill No. 193 on Final Passage.

Senator Winfield called up S. B. No. 193 from the President's table, on its final passage; the bill having been read third time today.

The President Pro Tempore laid the bill before the Senate, on its final passage.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 193, as amended, Section 1, by striking out the words "which have abandoned such operations"

The amendment was adopted.

(Senator Van Zandt in the Chair.)

On motion of Senator Westerfeld, the bill again was laid on the table subject to call.

Senate Bill No. 63 on Second Reading.

Senator Moore moved that the Senate Rule No. 106, relating to consideration of bills during the first 60 days of the Regular Session, be suspended, to permit consideration by the Senate at this time of S. B. No. 63.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the Members of the Senate):

Yeas—24.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Head.	Roberts.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—1.

Westerfeld.

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Senate Bill No. 247 on Second Reading.

Senator Woodruff moved that Senate Rule No. 106, relating to the consideration of bills during the first 60 days of the regular session be suspended, to permit consideration

by the Senate at this time of S. B. No. 247.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 247, A bill to be entitled "An Act amending Sections 1, 4, 5, 6, 7, 9, and 18 of H. B. No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session; providing that the Comptroller is authorized to promulgate certain rules and regulations to regulate the sale of cigarettes for movement into states adjoining Texas when such cigarettes have the tax stamps of such adjoining state affixed; requiring salesmen in the employ of manufacturers to keep certain records and deliver invoices; requiring persons soliciting and receiving orders for cigarettes for shipment to points within this State to keep certain records for a limited time; adding a new Section to be known as Section 10-A; providing that before a restraining order shall be granted to restrain or enjoin the collection of the cigarette tax the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties due; requiring said applicant to make and file daily reports and pay taxes, fees and penalties accruing before such taxes, fees and penalties become delinquent and prescribing the information to be shown in such reports;

fixing venue and providing that restraining order or injunction shall be automatically dismissed and dissolved after hearing if said applicant fails to pay said taxes, fees and penalties into the suspense account or fails to keep the records required or make the reports required; providing for refund or allocation of taxes, fees and penalties paid after final judgment; prohibiting persons not a party to said injunction or restraining order receiving benefits therefrom; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 247 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The Presiding Officer laid S. B. No. 247 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Cotten.
Beck.	Head.
Brownlee.	Hill.
Collie.	Holbrook.

Isbell.	Roberts.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.
Redditt.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

House Concurrent Resolution No. 44.

The following resolution, received from the House today, was laid before the Senate, read by the Secretary, and referred by the Presiding Officer to the Committee on Public Buildings and Grounds:

H. C. R. No. 44, Relating to the use of parking space reserved for Members of the Legislature and certain others.

Senate Bill No. 175 on Second Reading.

Senator Cotten moved that Senate Rule No. 106, relating to consideration of bills during the first 60 days of the Regular Session, be suspended, to permit consideration by the Senate at this time of S. B. No. 175.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 175, A bill to be entitled "An Act providing for the disposition of fees collected, and to be collected, from applicants for teacher's certificates, and schools applying for approval under the provisions of Article 2888, Revised Civil Statutes of 1925, by placing same in the General Revenue Fund of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 175 on Third Reading.

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 175 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

The Presiding Officer laid S. B. No. 175 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24.

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Lemens.
Collie.	Moore.
Cotten.	Neal.
Head.	Nelson.
Hill.	Newton.

Pace.	Van Zandt.
Rawlings.	Weinert.
Redditt.	Westerfeld.
Roberts.	Winfield.
Stone.	Woodruff.
Sulak.	

Absent—Excused.

Burns.	Shivers.
Davis.	Small.
Oneal.	Spears.

Adjournment.

On motion of Senator Redditt, the Senate at 12:10 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Statement by Senator Cotten.

Senator Cotten submitted the following affidavit, which he asked to have printed in the Journal:

The State of Texas, }
County of Travis. }

Before me, the undersigned authority in and for Travis County, Texas, on this day personally appeared Clay Cotten, who after being by me duly sworn, deposes and says under oath that he was duly elected State Senator of the Sixth Senatorial District of Texas at the November election, 1934; that he assumed the duties of said office on or about January 8, 1935; that he is and has been continuously engaged in the practice of law since August 19, 1914.

That during the year 1928, he accepted a position with International-Great Northern Railroad Company with a small retainers' fee which said fee is paid quarterly; that said employment has been continuous up to and including the present date; that the retainers' fee has never exceeded the sum of \$25 per month.

Affiant further states under oath that he is not representing any company, corporation, partnership, or individual (other than above stated) in which he receives a retainers fee and has not been so engaged during the entire period in which he has served as State Senator.

CLAY COTTEN.

Subscribed and sworn to before me on this the 17th day of February, A. D. 1937.

(Seal.) HELEN AVERY.
Notary Public, Travis County, Texas.

Reports of Standing Committees.

Committee Room,
Austin, Texas, Feb. 25, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 12, A bill to be entitled "An Act creating the Motor Transportation Division of the Railroad Commission; providing for the appointment of the members and a chairman thereof; fixing the terms of office; prescribing their duties; fixing compensation for such members and making such payable out of general revenue and appropriations; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute as adopted do pass in lieu thereof, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 25, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 351, A bill to be entitled "An Act creating a Special Road Law for Montague County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$11,500 and designated scrip warrants in an amount not exceeding \$38,500, outstanding against its road and bridge fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 25, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 333, A bill to be entitled "An Act creating a Special Road Law for Wise County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of December 17, 1936, by the issuance of funding bonds, and setting forth the method of operation; providing that the general laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 268 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 258 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 130 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 1, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 40 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 303 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

THIRTY-FIRST DAY.

(Tuesday, March 2, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Collie.	Redditt.
Cotten.	Shivers.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senators were absent and excused:

Burns.	Roberts.
Davis.	Small.
Moore.	Spears.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Spears was granted leave of absence for today and the remainder of this week, on account of important business, on motion of Senator Collie.

Senator Roberts was granted leave of absence for today, on account of important business, on motion of Senator Collie.

Senator Burns was granted leave of absence for today and Senator Weinert was granted leave of absence for the balance of today, on account of important business, on motion of Senator Shivers.

Reports of Standing Committees.

Reports on Senate Bills Nos. 137, 345, 173, 66, 77, 227, 410, 369, 28, 239, and 211 on House Bills Nos. 100, 101, 174, 123 and 162, and on H. C. R. No. 14, were submitted by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Concurrent Resolution No. 41.

Senator Aikin offered the following resolution:

By Senator Spears:

S. C. R. No. 41, Providing that the Senate and the House of Representatives grant Charles Stewart and wife permission to sue the State of Texas and/or the Texas Relief Commission.

The resolution was read and was referred by the President to the Committee on State Affairs.

Announcement by Senator Holbrook.

Senator Holbrook announced that the joint committee appointed pursuant to the provisions of House Concurrent Resolution No. 26, to arrange a program for a joint session of the Legislature to celebrate the 101st anniversary of the signing of the Texas Declaration of Independence, had arranged that the joint session be held at 10:15 o'clock a. m. today in the Hall of the House of Representatives and that Hon. Clarence Wharton of Houston, Texas, deliver an address at that time.